

**RALEIGH BOARD OF ADJUSTMENT
DECISIONS
March 13, 2017**

A-6-17, WHEREAS, Elizabeth Kane, property owner, requests a 20 foot variance to the minimum lot width requirements for corner lots set forth in Section 2.2.1. of the Unified Development Ordinance in order to subdivide the existing property into two lots used for detached houses as well as complete relief from the off-street parking requirements for detached houses set forth in Section 7.1.2. of the Unified Development Ordinance resulting in two detached house lots, the corner lot of which is 45 foot wide and no off-street parking for the resulting lots created out of the .38 acre property zoned Residential-6 and Special Residential Parking Overlay District located at 2503 Mayview Road.

- Decision:**
1. Approved a 12 foot variance to the minimum lot width requirements.
 2. Denied relief from the off-street parking requirements.

A-7-17, WHEREAS, RALDT, LLC, property owner, requests a 3 foot variance to the minimum side and rear lot line setbacks of either 0' or 6' for mixed-use buildings set forth in Section 3.2.6.B. of the Unified Development Ordinance that results in a 3' side and rear setback adjacent to the lot immediately north of the property on a .57 acre property zoned Downtown Mixed-Use-20-Shopfront and located at 423 South. McDowell Street.

- Decision:**
- Approved with the following conditions:
1. Building wall along northern property line will comply with Building and Fire Code standards.
 2. A wall or similar obstruction will be constructed so that the 3' wide area between the building and the property line will not be open/accessible.

A-24-17, WHEREAS, Jerry Gower Construction Company, property owner, requests a special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance in order to allow a Day Care Center with up to 250 enrollees on a 5.69 acre site zoned Residential-6 Conditional Use and located at 4215 Whitfield Road.

- Decision:**
- Approved as requested.

A-30-17, WHEREAS, Michael and Eline Pope, property owners, request a 3' side street setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance in order to expand the existing detached house to the side resulting in a 7' side street setback on a .11 acre property zoned Residential-10 and Neighborhood Conservation Overlay District and located at 1100 S. Bloodworth Street.

Decision: Approved as requested.

A-31-17, WHEREAS, Moshakos Real Estate LLC, property owner, requests a Special Use Permit to operate an Urban Farm pursuant to Sections 6.6.1.E. and 10.2.9. of the Unified Development Ordinance on an 8.13 acre property zoned Commercial Mixed-Use-3-Parking Limited and located at 6500 Chapel Hill Road.

Decision: Approved as requested.

A-32-17, WHEREAS, Adele and Michael Beebe, property owners, request a 2' side setback variance to legalize the existing detached house pursuant to Section 2.2.1. of the Unified Development Ordinance that results in the existing 8' side setback on a .5 acre property zoned Residential-4 located at 1204 Loblolly Court.

Decision: Approved as requested.

A-33-17, WHEREAS, HML Management Company, property owner, requests a variance from the build-to requirements of Sections 1.5.6. and 3.2.4. of the Unified Development Ordinance in order to build an apartment building that is more than 55' from the right-of-way and does not occupy at least 35% of the side street build-to area on a 1.9 acre property zoned Residential Mixed Use-3-Conditional Use and Swift Creek Watershed Protection Overlay District and located at 3410 Tryon Road.

Decision: Deferred to the Board's April 10, 2017 meeting to re-advertise.

A-34-17, WHEREAS, Christopher Creech and Chad Biggs, property owners, request a 19.6' rear setback variance to legalize portions of the existing detached house and attached carport as well as an 8' rear setback variance to expand the existing detached house to the rear pursuant to Section 2.2.1 of the Unified Development Ordinance which results in a 10.4' rear yard setback for the existing structure and a 22' rear yard setback, for the proposed expansion on a .26 acre property zoned Residential-4 and located at 4607 Latimer Road.

Decision: Approved as requested.

A-35-17, WHEREAS, Alfred and Clermont Ripley, property owners, request a 2' side setback variance to legalize the existing detached house as well as a 1.6' side setback variance to expand the existing detached house vertically and to the rear pursuant to Section 2.2.1. of the Unified Development Ordinance which results in the existing 3' side setback for the existing detached house's building footprint and a 3.4' side setback for the expansion to the rear on a .16 acre property zoned Residential-6 and Special Residential Parking Overlay District and located at 8 Dixie Trail.

Decision: Approved as requested.

A-36-17, WHEREAS, Yuying Zhang, property owner, requests a Special Use Permit on behalf of prospective tenant, Ashley Talarico, to operate a live-work business for massage therapy pursuant to Sections 6.7.3.E. and 10.2.9. of the Unified Development Ordinance on a .25 acre property zoned Residential-4 and located at 9409 Misty Creek Lane.

Decision: Approved with the following condition: Hours of operation 8:30 a.m. to 7:00 p.m. 7 days per week.

A-37-17, WHEREAS, Corey and Tracey Bates, property owners, request an 18.7' street setback variance pursuant to Section 2.2.7.C. as well as a .33' side setback variance pursuant to Section 2.2.1. of the Unified Development Ordinance to construct a garage addition on the front of the existing detached house that results in a 47.7' street setback and a 9.7' side setback on a .45 acre property zoned Residential-4 and located at 2309 Ridge Road.

Decision: Approved as requested.

A-38-17, WHEREAS, Paul and Kathleen Lowe, property owners, request a Special Use Permit to permit improvements to a nonconforming use beyond ordinary repair and maintenance authorized by Section 10.3.2.B. of the Unified Development Ordinance; a Special Use Permit under section 10.3.6.A.3. of the Unified Development Ordinance to permit an expansion, extension or alteration of a nonconforming use and; a Special Use Permit under Section 10.3.6.A.5. of the Unified Development Ordinance to permit the relocation of a nonconforming use on the same premise in order to construct a new accessory structure housing a legal nonconforming accessory dwelling unit that is no more than 25% larger in floor area than the existing accessory structure and which new accessory structure is in a different location than the existing accessory structure in order to comply with applicable setbacks on a .33 acre property zoned Residential-6 and Neighborhood Conservation Overlay District and located at 127 West Park Drive.

Decision: Approved as requested.

A-39-17, WHEREAS, Holly Park Property, LLC, property owner, requests a variance to Sections 9.1.10. and 12.2 of the Unified Development Ordinance to permit the removal of 16 or more trees with a DBH of 3 inches within a continuous 12-month period which results in the removal of 40 trees within a continuous 12-month period on a 13.93 acre site zoned Industrial Mixed-Use-3-Parking Limited and Special Highway Overlay District-2 and located at 3032 Wake Forest Road.

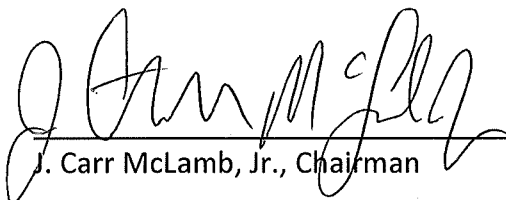
Decision: Approved as requested.

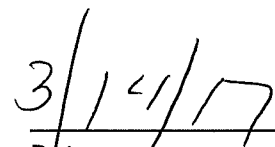
A-40-17, WHEREAS, FNC Grove Barton LLC, property owner, requests a variance to the Parkway frontage standards of Section 3.4.3. of the Unified Development Ordinance which require a 50' wide heavily landscaped buffer between the roadway and adjacent development in order to permit a new building and dumpster enclosure within 30' of Grove Barton Road, to permit existing parking areas to remain within the Parkway buffer along Grove Barton Road and to not have to plant the 50' protective yard standard because of the existing and proposed improvements as well as a variance from Section 3.4.2.C.5. in order to permit a site plan for a new building on a property without requiring compliance with the new streetscape requirement. The subject property of this request is a 2.51 acre property zoned Commercial Mixed-Use-3-Parkway and is located at 4800 Grove Barton Road.

Decision: Approved as requested.

A-41-17, WHEREAS, MDI Management, LLC, property owner, requests a variance for complete relief from the 50' Parkway frontage Protective Yard requirements of Section 3.4.3. for the portion of the property along Marvino Lane that is encumbered with a private stormwater maintenance/access easement along the north east corner of the 3.4 acre property zoned Commercial Mixed-Use-3-Parkway Conditional Use District and located at 8551, 8531 and 8511 Marvino Lane.

Decision: Approved as requested.


J. Carr McLamb, Jr., Chairman


Date